

1 UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

NATIONAL CREDIT UNION)	Case No. 1:13CV1148
ADMINISTRATION BOARD, acting)	
in its capacity as Liquidating Agent for)	
St. Paul Croatian Federal Credit Union,)	
)	
Plaintiff,)	
)	
-vs-)	MEMORANDUM OPINION & ORDER
)	
VLADO ZOVKIC, <i>et al.</i> ,)	
)	MAGISTRATE JUDGE GREG WHITE
Defendants.)	

This matter is pending before the Court on Plaintiff National Credit Union Administration Board in its capacity as Liquidating Agent for St. Paul Croatian Federal Credit Union’s (hereinafter “Plaintiff”) Motion for Default Judgment against Defendant Jane Doe, Unknown Spouse of Vlado Zovkic.¹ (Doc. No. 143.) For the following reasons, this Motion is GRANTED.

Defendant Jane Doe, Unknown Spouse of Vlado Zovkic (hereinafter “Unknown

¹ This case is before the Court pursuant to the consent of the parties, entered December 2, 2013. (Doc. No. 38.)

Spouse”) was first named as a defendant in this action in the First Amended Complaint² filed on February 12, 2014 (Doc. No. 43.) Therein, Plaintiff alleges that “Defendant Jane Doe, the Unknown Spouse of Zovkic, may have a lien upon or claim an interest in some or all of the Property; however, her interest or lien is inferior to the Mortgage . . . and the Liquidating Agent is entitled to sale of the Property free and clear of any rights or interests of said defendant.” *Id.* at ¶ 9.

The docket reflects that, on March 26, 2014, Defendant Unknown Spouse was served by certified mail with a copy of the Summons and First Amended Complaint. (Doc. No. 72.) Defendant Unknown Spouse has not filed an Answer or otherwise responded, nor has she made any appearance in this lawsuit. Accordingly, on December 15, 2014, Plaintiff applied to the Clerk of Courts pursuant to Fed. R. Civ. P. 55(a) for entry of default judgment against her. (Doc. No. 132.) On January 5, 2015, the Clerk of Courts issued an Entry of Default. (Doc. No. 136.)

Based on the above, the Court finds that Defendant Unknown Spouse was duly served with the Summons and First Amended Complaint on March 26, 2014, and has failed to answer or otherwise respond within twenty-one (21) days as required under Fed. R. Civ. P. 12(a)(1).

² Plaintiff filed its original complaint on May 22, 2013 against Defendants Vlado Zovkic and ZMS Hi-Tech Machining Co., Inc. (“ZMS”). Therein, Plaintiff alleged Defendant Zovkic opened accounts and obtained multiple, share-secured loans from St. Paul’s for his personal use and for the use of his company, Defendant ZMS. Plaintiff claimed Defendants Zovkic and ZMS fraudulently obtained these loans and then defaulted on them. The Complaint alleged the following twelve counts: (1) fraud (Count I); (2) aiding and abetting fraud (Count II); (3) civil conspiracy (Count III); (4) conversion (Count IV); (5) default on loan accounts (Counts V through XI); and, (6) unjust enrichment (Count XII). (Doc. No. 1.) In its First Amended Complaint, Plaintiff restates these claims and adds two new claims (Counts 13 and 14), in which it alleges Defendant Zovkic defaulted on a mortgage held by St. Paul with respect to his residence, and seeks foreclosure. (Doc. No. 43.) The First Amended Complaint also adds a number of new defendants relating to Plaintiff’s foreclosure claims, including Defendant Unknown Spouse of Vlado Zovkic.

Accordingly, the Court finds that the Clerk of Courts properly issued an Entry of Default on January 5, 2015 pursuant to Fed. R. Civ. P. 55(a) and, further, that Plaintiff is entitled to a default judgment against Defendant Unknown Spouse pursuant to Fed. R. Civ. P. 55(b).

IT IS SO ORDERED.

Dated: February 18, 2015

s/Greg White
Greg White
United States Magistrate Judge